



California Regional Water Quality Control Board

Los Angeles Region



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Agency Secretary

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Arnold Schwarzenegger
Governor

Los Angeles Regional Water Quality Control Board Minutes of April 7, 2005 Regular Board Meeting held at Metropolitan Water District of Southern California 700 North Alameda Street, Los Angeles, CA.

INTRODUCTION

1. The meeting was called to order by Chair Susan Cloke at 9:15 a.m.

Board Members Present

Susan Cloke, Fran Diamond, Bonny Herman, Mary Ann Lutz, H. David Nahai, Timothy Shaheen

Board Members Absent

Brad Mindlin, and Julie Buckner-Levy

Staff Present

Jonathan Bishop, Deborah Smith, David Bacharowski, Ronji Harris, Michael Lauffer, Robert Sams, Stephen Cain, Laura Gallardo, Blythe Ponek-Bacharowski, Paula Rasmussen, Melinda Becker, Jenny Newman, Rebecca Christmann, Cassandra Owens, Veronica Cuevas-Alpuche, Mazhar Ali, Don Tsai, Michael Lyons, David Hung, Gensen Kai, Jau Ren Chen

Others Present

Dr. Mark Gold, Heal the Bay	Mr. Steve Mallon, Conoco Phillips
Mr. Gus Dembegiotos, City of Los Angeles	Mr. Brian Wall, Representing Chevron Texaco
Mr. Charles Truirell, City of Los Angeles	Mr. John Dalton, Representing Chevron Texaco
Mr. Hassan Rad, City of Los Angeles	Ms. Gloria Lu, City of Los Angeles
Mr. Mark Pumford, City of Oxnard	Ms. Traci Minamide, City of Los Angeles
Mr. George Raymond, City of Los Angeles	Mr. Keith Jones, CalTrans
Ms. Jacqy Gamble, Las Virgenes MWD	Mr. Kris Flaig, City of Los Angeles
Mr. Charles Caspary, Las Virgenes MWD	Mr. Alan Sanders, California Coastal Conservancy
Mr. E. J. Remson, The Nature Conservancy	Ms. Donna Chen, City of Los Angeles
Ms. Penny Weiard, City of Los Angeles	Mr. Roger Patrick, Mayer Brown
Mr. Morad Sediak, City of Los Angeles	Mr. Wan Karmelia, CalTrans
Mr. Wing Tam, City of Los Angeles	Mr. Gerry Greene, City of Downey
Ms. Anna Lantin, RBF Consulting	Mr. Vijay Desai, City of Los Angeles
Mr. Vincent Chee, City of Beverly Hills	Mr. Zora Bahariance, City of Los Angeles
Mr. Clayton Yoshida, City of Los Angeles	Mr. William Pidduck, Fruit Growers Laboratory

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mr. Frank Wu, Los Angeles County Department of Public Works	Mr. Richard Watson, Representing Coalition for Practical Regulation
Ms. Robyn Stuber, U.S. Environmental Protection Agency, Region 9	Ms. Susan Stark, Consultant

Pledge of Allegiance

1. Roll Call.
2. Order of Agenda.

The Executive Officer, Jonathan Bishop recommended the following changes to the agenda:

- *Item 12, Chevron Products Company, to be continued to a future meeting.*
- *Item 14, City of Los Angeles Hyperion permit to be heard out of order, prior to item 13*

MOTION: By Board Member David Nahai, seconded by Board Member Fran Diamond, and approved by a voice vote.

3. Approval of draft meeting Minutes for the March 3, 2005 Board Meeting.

MOTION: *Board Member Fran Diamond made a motion to approve the draft meeting Minutes for the March 3, 2005 Board Meeting.*

Seconded by Board Member Bonny Herman, and approved by a voice vote.

4. Board Member Communications.
5. Executive Officers Report.

Jonathan Bishop, Executive Officer informed the Board of the Superior Court's ruling which upheld the Storm Water permit, and the California Supreme Court's refusal to hear the appeal on the San Diego Storm water permit which is similar to the Los Angeles Regional Board's Storm Water permit. Mr. Bishop gave an update on the progress of the Santa Clara Chloride Total Maximum Daily Load (TMDL) and ongoing studies. Mr. Bishop also pointed out information on Item No. 18, an update to permit standardization.

6. Public Forum.

Mr. Richard Watson, Representing the California Storm water Quality Association (CASQA), invited the Board Members to attend a meeting hosted by CASQA on May 13, 2005 on the subject of air deposition and its effects on storm water.



Mr. Charles Caspary, Las Virgenes Municipal Water District (LVMWD), gave a brief presentation on recycled water and bio solids. Mr. Caspary invited the Board to tour the Tapia facility. He also talked about LVMWD's effort to keep from discharging to Malibu Creek during prohibition.

Mr. William Pidduck, Fruit Growers Laboratory informed the Board of their organization's efforts to plan seminars and other outreach efforts to educate the public regarding the Agricultural Waiver and Best Management Practices (BMPs) for pest control, and irrigation.

7. Uncontested Items Calendar.

The uncontested calendar was noted as: 8, 9, 10 and 11 by the Executive Officer. There was a motion to approve the uncontested items calendar.

MOTION: By Board Member David Nahai, seconded by Board Member Fran Diamond and approved by a voice vote.

8. (Item 14), City of Los Angeles (Hyperion Treatment Plant)

Michael Lauffer, Staff Counsel gave clarification that the record for this matter is closed, and this matter is being heard as a Panel Hearing recommendation. He stated that this permit is jointly issued by the U.S. Environmental Protection Agency (USEPA), and the Los Angeles Regional Quality Control Board.

Board Member Fran Diamond made a brief statement summarizing that this matter was previously heard before a panel of Board members and was selected at the hearing to Chair the panel.

Ms. Blythe Ponek-Bacharowski, Board staff summarized the public comments that were received. She discussed the issues that were raised during the public hearing on November 4, 2004. Ms. Ponek-Bacharowski informed the Board of the minor changes that were made in the permit, and stated that the changes focused on the monitoring programs, and the effluent limits for the eight constituents in the permit.

MOTION: Board Member Fran Diamond mad a motion to approve the permit as recommended by staff with the change sheets. Seconded by Board Member David Nahai and approved by a voice vote.

A break was taken at 10:01 a.m. and reconvened at 10:16 a.m.

9. (Item 13) Terminal Island Treatment Plant.

Ms. Blythe Ponek-Bacharowski, Acting Chief Watershed Regulatory Section gave the presentation. After summarizing the comments that were received by the City of Los Angeles, she indicated that the comment period had been open for 60 days and that no environmental groups had commented. She gave some background on the history of the prohibition and the Bays and Estuary Policy. She stated



that as a result of the policy, Order 77-13 for the Enhancement Study was developed. She also discussed the chronic toxicity observations and that a reopener has been added to the permit.

Public Speakers:

Mr. Gus Dembegiotes, City of Los Angeles Bureau of Sanitation stated that the City believes that the ammonia limits are overly conservative, and that the toxicity limits are inappropriate. He stated that he prefers that the permit include hypothesis testing.

Dr. Mark Gold, Heal the Bay stated that the facility has improved over the years. He stated that he is opposed to the permits being Migden driven and the use of reasonable potential analysis. He indicated that there have been chronic toxicity violations for the life of the permit. Heal the Bay strongly recommends a Time Schedule Order for this facility.

Board Member Fran Diamond asked if the dilution credits for an inland plant is being issued because of the State Board Policy.

Ms. Blythe Ponek-Bacharowski, and Ms. Veronica Cuevas-Alpuche, Board staff clarified the process used for granting or considering dilution credits.

Mr. Michael Lauffer, staff counsel clarified the reason dilution credits have not been issued to other Publicly Owned Treatment Works (POTWs). He indicated that staff used the State Implementation Plan (SIP) as well as EPA criteria when considering the dilution credits for this permit.

Mr. Michael Lyons, Board staff clarified the reasons for the Seafood Study.

Board Member Mary Ann Lutz asked for clarification of "hypothesis" testing.

Board Chair Susan Cloke asked for clarification as to how the Board will be updated and informed about the monitoring reports.

After much discussion by the Board, there was a motion to approve the permit with the change sheets as recommended by staff, and there was direction from the Board to bring annual monitoring reports, and operations report plans for water reuse by September 2005. The Board directed staff to examine the reporting issues for compliance with the MS4 or TMDLs.

Closed session 12:03. Reconvened at 1:42

10. (Item 15) Proposed Resolution for a Covenant Not to Sue to be given by the Los Angeles Regional Water Quality Control Board to the California State Coastal Conservancy and The Nature Conservancy.

Mr. Jonathan Bishop, Executive Officer gave the presentation. Mr. Bishop stated that the real property which the Conservancies are purchasing is contaminated and they are requesting that the Board give them a release and covenant not to sue them to clean up the contamination. He



mentioned that the sources are believed to be from the Halaco property and various activities previously conducted on the property itself. Mr. Bishop summarized the proposed agreement.

Mr. Robert Sams, Staff Counsel advised that it appeared to be in the public interest to afford the projection but that the Board should realize that such protection would severely impact the Board's ability to require remediation by anyone other than Halaco for its contaminants.

Mr. Peter Brand, State Coastal Conservancy mentioned the support from Senator Sheila Kuehl and Assemblywoman Fran Pavley regarding this matter. He informed the Board that there is a team working on a restoration plan for this site, and he is looking forward to the day to return to the Board with a permit to restore the property at this site.

Mr. E.J. Remson, the Nature Conservancy talked about the plan to develop a program that could result in the largest restoration program of its time. Mr. Remson indicated that the Conservancy is seeking a commitment from the Board that it would not be held responsible for the cleanup of this acquired property.

Other Speakers

Ms. Jean Harris, Service Road Design *(In support of this matter)*

Mr. Alan Sanders, Sierra Club *(In opposition to this matter)*

After Board discussion a motion there was a motion to adopt the proposed Resolution to reflect the recording take place within 10 days of closing of escrow and approval of the change sheets.

MOTION: Board Vice Chair Tim Shaheen, seconded by Board Member Fran Diamond, and approved on a voice vote.

11. (Item 16) Public Workshop to consider a proposed Basin Plan amendments to incorporate Total Maximum Daily Loads to reduce metals in the Los Angeles River and Tributaries and in Ballona Creek.

Ms. Melinda Becker, Acting Chief TMDL Section at the Regional Board, gave introductory remarks and clarified that the comment period deadline has been extended to May 12, 2005.

Ms. Jenny Newman, Board Staff clarified the purpose of this workshop, and briefed the Board on the status of this proposed amendment. She made clarification that the numeric targets and allocations derived from the California Toxics Rule (CTR). She stated that the Board would have greater flexibility in establishing the implementation portion of the TMDL.

Public Speakers:

Mr. Ivan Karnezis, Caltrans

Mr. Howard Gest, Burham & Gest

Mr. Clayton Yoshida, City of Los Angeles Bureau of Sanitation



Dr. Gerry Greene, City of Downey
Mr. Richard Watson, Representing Coalition for Practical Regulation
Ms. Susan Stark, Consultant

12. (Item 17) Public Workshop to consider a proposed Basin Plan amendment to incorporate Total Maximum Daily Loads to reduce toxic pollutants in the Ballona Creek Estuary.

Ms. Rebecca Christmann, Board staff gave the presentation. She mentioned the upcoming TMDL Workshop on April 12, 2005 at the Los Angeles Regional Board offices in downtown Los Angeles. Ms. Christmann's presentation included an overview of the toxic pollutants TMDL assessment of point and non-point sources and a discussion of implementation and monitoring for this TMDL.

Public Speakers:

Ms. Heather Lamberson, Los Angeles County Sanitation Districts
Mr. Zora Bahariance, City of Los Angeles, Bureau of Sanitation
Dr. Mark Gold, Heal the Bay

13. Adjournment of Current Meeting.

The meeting adjourned at 4:30 p.m. The next regular meeting is scheduled for May 5, 2005 at the City of Simi Valley Council Chambers, 2929 Tapo Canyon Road, Simi Valley, California beginning at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting
submitted/amended.

Written and submitted by: _____.

